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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,481	07/23/2003	Makoto Fujiwara	60188-593	7409

7590 12/26/2007  
Jack Q. Lever, Jr.  
McDERMOTT, WILL & EMERY  
600 Thirteenth Street, N.W.  
Washington, DC 20005-3096

EXAMINER
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LEMMA, SAMSON B

ART UNIT	PAPER NUMBER
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2132

MAIL DATE	DELIVERY MODE
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12/26/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

m/v

<b>Office Action Summary</b>	<b>Application No.</b> 10/624,481	<b>Applicant(s)</b> FUJIWARA ET AL.	
	<b>Examiner</b> Samson B. Lemma	<b>Art Unit</b> 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 October 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-17 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/21/2007</u> . | 6) <input type="checkbox"/> Other: _____  |

## ***DETAILED ACTION***

1. This action is in reply to an amendment filed on October 4, 2007. Dependent **Claim 2** has been amended. Claims 1-17 are pending/examined.

## ***Election/Restrictions***

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. **Claims 1-11 are drawn to a method for developing a program which is to be installed in a system having an LSI device**, the LSI device having a secure memory which includes an un-rewritable area, the method comprising the steps of: providing an LSI device having the same structure as that of the LSI device; setting the provided LSI device to a development mode so that the provided LSI device is used as a development LSI device, the development mode being different from a product operation mode employed at the times of program installation and product operation; and developing the program on the development LSI device, classified in **class 717 subclass 106**;

- II. **Claims 12-17 are drawn a method for installing an encrypted program in a key-implemented system** which includes an external memory and an LSI device having a secure memory, the method comprising: an initial value setting procedure for storing common key information regarding a raw common key and inherent key information regarding a raw inherent key in the secure memory; a first step of obtaining in the LSI device the raw common key from the common key information stored in the secure memory; a second step of decrypting in the LSI device a common key-encrypted program supplied from the external memory into a raw (binary) program using the raw

common key obtained at the first step; a third step of obtaining in the LSI device the raw inherent key from the inherent key information stored in the secure memory; a fourth step of encrypting in the LSI device the raw (binary) program obtained at the second step using the raw inherent key obtained at the third step, thereby obtaining an inherent key-encrypted program; and the step of installing the inherent key-encrypted program obtained at the fourth step in the external memory, classified in **class 717, subclass 174**.

3. The inventions are distinct, each from the other because of the following reasons:

The inventions **in Group I, II**, are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable.

**These groups can be separately usable.**

Group I, which is drawn to a development of a program for LSI (Large Scale Integrated) device whereby the LSI device can be operated in development and in production mode; this specifically comprises of: providing another LSI device wherein the provided device can execute a binary program when it is set to the development mode and cannot execute a binary program when it is set to the product operation mode. Such specific method of developing a program for LSI is separately used from the particular program installation method recited in group II, for improving the security of the program development environment as compared with conventional techniques. This benefit is described in the applicant's published specification on paragraph 0005, at the last 3 lines.

On the other side,

Group II, which is drawn to a method of installing an encrypted program using a key in a system including an external memory and an LSI device with a secure memory is

separately used from the specific method of developing a program for LSI as recited in group I, because the particular method of installation of the program which is recited in group II, is used for providing a high-security program installation method as it is indicated on the applicant's published specification on paragraph 0003, at the last line.

**Note:** A program for LSI device can **be developed in various ways**. Group I is drawn to the **specific method** developing such a program. Once the program is developed by following a certain specific steps and method as it is recited in the group I, this program can be installed **in various ways/methods**. Though, there could be different and many method of installing an encrypted program in LSI, only one and specific method of such method is recited in Group II and such method is distinct from that of the specific method of developing a program recited in Group I.

4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
5. Applicants are advised that the replay to this requirement to be completed must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
6. Applicants is reminded that upon the cancellation of the claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the

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application. Any amendment of inventorship must be accompanied by a petition under 37 CR 1.48(b) and by the fee required under 37 CFR 1.17(i).

### **CONTACT INFORMATION**


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samson B Lemma whose telephone number is 571-272-3806.

The examiner can normally be reached on Monday-Friday (8:00 am---4: 30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BARRON JR GILBERTO can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**SAMSON LEMMA**  
S.L.  
12/10/2007

  
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